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Agenda item 137

Administration of justice at the United Nations

Report of the Sixth Committee

Rapporteur: Mr. Adam **Mulawarman Tugio** (Indonesia)

I. Introduction

1. In its resolution 61/261 of 4 April 2007, the General Assembly decided to continue the consideration of the item entitled "Administration of justice at the United Nations" during its sixty-second session as a matter of priority with the objective of implementing the new system of administration of justice no later than January 2009 (para. 36). In the same resolution, the Assembly invited the Sixth Committee to consider the legal aspects of the reports to be submitted by the Secretary-General without prejudice to the role of the Fifth Committee as the Main Committee entrusted with responsibilities for administrative and budgetary matters (para. 35).

2. At its 3rd plenary meeting, on 21 September 2007, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to both the Fifth and Sixth Committees in the light of resolution 61/261.

3. The Sixth Committee considered the item at its 2nd, 17th and 28th meetings, on 8 and 26 October and 19 November 2007. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/62/SR.2, 17 and 28).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the outcome of the work of the Joint Appeals Board during 2005 and 2006 and statistics on the disposition of cases and work of the Panel of Counsel (A/62/179);

(b) Report of the Secretary-General on the administration of justice (A/62/294);

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(c) Report of the Secretary-General on the activities of the ombudsman (A/62/311).

5. At its 1st meeting, on 8 October, the Sixth Committee established a working group on the administration of justice at the United Nations, to fulfil the mandate entrusted to the Committee by the General Assembly in resolution 61/261, and elected Mr. Ganeson Sivagurunathan (Malaysia) as Chairman of the Working Group. The Committee also decided to open the Working Group to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency. The Working Group held 11 meetings, from 8 to 10, from 17 to 19 and on 25 October 2007.

6. At the 17th meeting, on 26 October, the Chairman of the Working Group presented an oral report on the work of the Working Group (see A/C.6/62/SR.17).

II. Consideration of draft decision A/C.6/62/L. 22

7. At the 28th meeting, on 19 November, the representative of Malaysia, on behalf of the Bureau, introduced a draft decision entitled "Administration of justice at the United Nations" (A/C.6/62/L.22).

8. The Secretary of the Committee made a statement regarding the financial implications of the draft decision.

9. At the same meeting, the Committee adopted draft decision A/C.6/62/L.22 without a vote (see para. 11).

10. Also at the same meeting, the Committee decided that its Chairman would transmit to the Chairman of the Fifth Committee, through the President of the General Assembly, the conclusions of the Sixth Committee regarding this item. Furthermore, the Committee agreed that the Chairman of the Ad Hoc Committee on the Administration of Justice at the United Nations would inform the Chairman of the Fifth Committee, through the President of the General Assembly, of the results of the work of the Ad Hoc Committee.

III. Recommendation of the Sixth Committee

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

Administration of justice at the United Nations

The General Assembly takes note of the conclusions of the Sixth Committee on the administration of justice at the United Nations[1] following its consideration of the legal aspects of the report of the Secretary-General,[2] requests the Secretary-General to respond to the requests for information contained in that document, taking into account any further decisions that the General Assembly may take during its sixty-second session prior to the meeting of the Ad Hoc Committee referred to below, and decides to establish an Ad Hoc Committee on the Administration of Justice at the United Nations, to be open to all States Members of the United Nations, members of the specialized agencies or members of the International Atomic Energy Agency, for the purpose of continuing the work on the legal aspects of the item, taking into account the results of the deliberations of the Sixth Committee on the item,[3] previous decisions of the Assembly and any further decisions that the Assembly may take during its sixty-second session prior to the meeting of the Ad Hoc Committee. The Ad Hoc Committee shall meet from 10 to 18 April and on 21 and 24 April 2008, and shall report on its work to the Assembly at its sixty-third session. The General Assembly also decides to include in the provisional agenda of its sixty-third session the item entitled "Administration of justice at the United Nations".

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[1] A/C.5/62/11, appendix I.

[2] A/62/294.

[3] A/C.5/61/21, appendix I, and A/C.5/62/11, appendix II.